

**REMARKS**

As noted in the introductory remarks, Applicant has been required the restriction requirement set forth in the June 26, 2008 Office Action to elect claims from one of four different groups identified in the Office Action according to a listing of claims associated with each group. Specifically, the four groups are identified in the Office Action as follows:

- I. Claims 24-32, drawn to a wireless consumer transaction system for carrying out consumer transactions at a point-of-sale establishment, comprising a wireless station affiliated with a point-of-sale-system, classified in class 70S, subclass 26.
- II. Claims 33-43, drawn to a method for facilitating consumer transaction at a point-of-sale system affiliated with point-of-sale establishment, comprising the step of automatically detecting the presence of wireless system, classified in class 70S, subclass 20.
- III. Claims 44-62, drawn to a wireless consumer transaction system for carrying out consumer transactions at a point-of-sale establishment, comprising the step of a remote processing center, classified in class 713, subclass 200.
- IV. Claims 63-82, drawn to a method for carrying out consumer transactions at a point-of-sale establishment, comprising the step of automatically conveying a menu of user option, classified in class 726, subclass 27.

In response to the restriction requirement, Applicants hereby provisionally elect to proceed with the Group III and IV claims – that is, claims 44-62 (Group III) and 63-82 (Group IV). Applicant believes that these claims system and method claim counterparts. Applicant has accordingly canceled claims 24-43 herein (the Group I and II claims), without prejudice to pursue by divisional application or otherwise.

As noted in the introductory remarks, it is believed that search and examination of the claims categorized under Groups III and IV in the instant application can be made without serious burden, as they are similar in many respects and essentially relate to system and method counterparts. See M.P.E.P. 803.01. Claims 44-62 (Group III) involve a wireless consumer transaction system including (among other things) a local wireless station "for automatically detecting the transient presence of wireless cellular devices and initiating communication therewith," and a computer coupled thereto configured to, among other things, "convey a menu of user options," "receive and store responsive user selections," and "determine a point-of-sale transaction price." Claims 63-82 (Group IV) involve a method for carrying out consumer transactions at a point-of-sale establishment, comprising the steps (among others) of "automatically detecting ... the transient presence of a wireless cellular device," "automatically conveying a menu of user options to the wireless cellular device," and "receiving and storing ... user selections," and "determining a point-of-sale transaction price." Thus, it is respectfully submitted sufficient overlap exists between the Group III and IV claims such that it would be convenient and not overly burdensome for a search and examination to be conducted of the pending claims in both groups.

If the Examiner nevertheless persists in the restriction requirement, Applicant respectfully requests that claims 44-62 be withdrawn from further consideration, and that examination be conducted of the Group IV claims.

Applicant has thus canceled claims 24-43 herein, without prejudice to pursue by divisional application or otherwise.

**Request for Allowance**

It is believed that the instant application is in condition for further examination, and early allowance is earnestly solicited.

Respectfully Submitted,

  
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